

2014-149

Text Amendment Application No. 113
Boston Redevelopment Authority
Greenbelt Protection Overlay District

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TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

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The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code as follows:

1. By striking out in the first paragraph of Section 3-1A, respecting special purpose overlay districts, the word "or" as it appears before item (i), and by inserting after item (i) the following item:

 , or (j) greenbelt protection overlay district.
2. By inserting in Section 3-1A, following subsection i, Limited Height Districts, the following subsection:

 (j) Greenbelt Protection Overlay District. An area along a Greenbelt Roadway may be established as a Greenbelt Protection Overlay District when the Zoning Commission determines that this designation is necessary to promote the purposes stated in Section 38-7. The requirements and regulations for Greenbelt Protection Overlay Districts are set forth in Article 38.
3. By inserting in Section 6-3, after subsection (f) the following subsection:

 (g) If such appeal relates to a Proposed Project in an area designated a Greenbelt Protection Overlay District as defined in Section 38-2, the Applicant shall have complied with the

requirements set forth in Section 38-5 and the standards set forth in Section 38-6.

4. By inserting after Article 29, the following article:

ARTICLE 38

GREENBELT PROTECTION OVERLAY DISTRICT

SECTION 38-1. Statement of Purpose. The purposes of this article are to preserve and protect the amenities of the city of Boston; to preserve and enhance air quality by protecting the supply of vegetation and open space along the city's Greenbelt Roadways; to enhance and protect the natural scenic resources of the city; to protect the city's Greenbelt Roadways from traffic congestion and to abate serious and present safety concerns.

SECTION 38-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 38-7.
2. "Greenbelt Roadway" shall mean any landscaped roadway or major thoroughfare that is characterized by open space or landscaping along its right-of-way or that is used primarily by noncommercial or pleasure vehicles.
3. "Proposed Project" shall mean any construction, reconstruction, rehabilitation, or alteration of a structure or site work for which the Applicant is required to obtain a building or use permit.

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4. "Residential Uses" shall mean Use Items No. 1, 1A, 2, 3, 4, 5, 6, 7, 7A, 7B, 8, and 10, as described in Table A of Section 8-7.
5. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based on the assessed value for real estate tax purposes as of the assessment date preceding the application.

SECTION 38-3. General Requirements and Procedures. A Greenbelt Protection Overlay District (GPOD), a type of special purpose overlay district under Section 3-1A, shall be a minimum of five acres. To designate an area as a GPOD, the following procedures shall be followed.

1. Boston Redevelopment Authority shall make a recommendation to the Zoning Commission that a Greenbelt Roadway and its surrounding area be designated a GPOD in order to protect the open space and aesthetic character of the area and to promote the purposes set forth in this article.
2. Upon a favorable recommendation by the Boston Redevelopment Authority, the Zoning Commission may designate an area as a GPOD.
3. In an area designated as a GPOD, an applicant for a building permit for any Proposed Project subject to the requirements of this article shall obtain a conditional use permit pursuant to the procedures set forth in Article 6.

SECTION 38-4. Applicability. Any Applicant seeking a building permit for exterior construction or alteration for a Proposed Project within a Greenbelt Protection Overlay District shall be subject to the requirements of this article where the Applicant seeks to erect a building or structure having a gross floor area in excess of five thousand (5,000) square feet; to enlarge or extend a building or structure so as to increase its gross floor area by more than five thousand (5,000) square feet; or to Substantially Rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than five thousand (5,000) square feet; or to increase the impervious surface of a site by more than two thousand (2,000) square feet in addition to the existing impervious surface.

SECTION 38-5. Specific Requirements. The following specific requirements shall apply to any Proposed Project included under Section 30-4 within a Greenbelt Protection Overlay District:

1. The Applicant shall submit to the Boston Redevelopment Authority a site plan showing location, height and massing of all structures and evidence of having submitted its plans to the City of Boston Parks Commission at least sixty (60) days prior to the meeting held by the Boston Redevelopment Authority on the Applicant's request for a conditional use permit or a report by the Parks Commission indicating whether it recommends project approval, denial, or modification. Further design submissions may be required in accordance with the development and design review procedures promulgated by the Authority, as they may be revised from time to time.
2. The Applicant shall submit a landscape plan that shows the landscaping surrounding structures and parking areas and shows the extent of the

area of all impervious surfaces. The plan shall comply with the following requirements, including: (a) no clearing of vegetation shall be permitted within 25 feet of the right-of-way of a Greenbelt Roadway except for clearing necessary to provide utilities and access to the site; and (b) all parking shall use existing vegetation or installed landscaping to screen pavement and vehicles from the Greenbelt Roadway and from adjacent properties.

3. If a Proposed Project will generate two hundred more vehicular trips per day, the Applicant shall submit a traffic impact analysis.

SECTION 38-6. Standards. To obtain a conditional use permit the Applicant shall show that the Proposed Project complies with the following standards in addition to the standards set forth in Article 6: (a) provision for adequate vehicular access, off-street parking and loading and shall not have a significant adverse effect on traffic and parking on the Greenbelt Roadway and adjacent streets; (b) provision for landscaping treatment that ensures that the natural and aesthetic quality of the Greenbelt Roadway area will be maintained; (c) provision for the design of all structures that is compatible with surrounding neighborhood.

SECTION 38-7. Designation of Greenbelt Protection Overlay Districts. The following Greenbelt Roadways and their adjacent areas between the boundary lines stated are designated as Greenbelt Protection Overlay Districts.

1. William J. Day Boulevard in Dorchester and South Boston: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of Kosciuszko Circle to Castle Island.

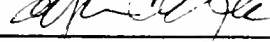
2. Veterans of Foreign Wars Parkway, in West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of the rotary at the junction with the West Roxbury Parkway to Spring Street near the Town of Dedham line.
3. American Legion Highway, in Roslindale: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way from Blue Hill Avenue to the midpoint of the rotary at the junction with Cummins Highway.
4. Jamaicaway, in Jamaica Plain, Roxbury, and West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from Huntington Avenue to the midpoint of the rotary at the junction with Prince Street.
5. Arborway, in Jamaica Plain and West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of the rotary at the junction with Centre Street to the midpoint of the rotary at the junction with Morton Street.
6. West Roxbury Parkway, in West Roxbury: lines parallel to, five hundred (500) feet from, and on each side of the center line of the right-of-way, from the midpoint of the rotary at the junction with the Veterans of Foreign Wars Parkway to Washington Street.

The areas of all GPODs shall be shown on a series of maps entitled "Zoning Districts - City of Boston - Supplemental Map - Greenbelt Protection Overlay District" and dated with the effective date of this article. These maps shall be deemed to be, and are hereby made, a part of this Code.

SECTION 38-8. Enforcement. The Commission of Inspectional Services shall not issue any building permit for exterior construction or alteration for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 38-9. Severability. If any provision or section of this article shall be held invalid by court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions of this article, and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

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